

FILED *cem*

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACLERK, U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Yvonne Ann MARTINEZ)

Defendant.)

BY: *PDX*
Magistrate Case No. *'07 MJ 2688*COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 16, 2007**, within the Southern District of California, defendant **Yvonne Ann MARTINEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Guadalupe CID-Escalante and Maria JUAREZ-Ceron**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF
November, 2007.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Carla Saco, declare under penalty of perjury the following to be true and correct:

The complainant states that **Guadalupe CID-Escalante** and **Maria JUAREZ-Ceron** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 16, 2007 at approximately 0303 hours **Yvonne Ann MARTINEZ (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry, vehicle primary lane number eleven. Defendant was the driver and sole visible occupant of a blue 1998 Ford Explorer bearing California license plates. Defendant claimed U.S. citizenship and presented to a Customs and Border Protection (CBP) Officer a valid California Driver's License bearing her true name. Defendant gave two negative declarations and stated the purpose of her trip to Mexico was that she was visiting her husband. Defendant claimed ownership of the vehicle. The CBP Officer noticed a strong odor of gasoline coming from the vehicle and upon inspection observed what appeared to be a non-factory gas tank compartment, from which two feet were protruding. A CBP Officer escorted Defendant to the security office and the vehicle was driven to the secondary area for further inspection.

In secondary, CBP Officers pulled the rear seats forward and removed two individuals from the modified compartment. The individuals are now identified as **Guadalupe CID-Escalante (MW1)** and **Maria JUAREZ-Ceron (MW2)**. Material Witnesses were determined to be citizens of Mexico with no documents or other benefits that would permit them legal entry into the U.S.

During a videotaped proceeding Defendant was advised of her Miranda Rights. Defendant acknowledged her rights and agreed to answer questions without the benefit of counsel. Defendant claimed ownership of the vehicle, however, denied knowledge of the concealed aliens.

Videotaped interviews were conducted with the Material Witnesses. Material Witnesses stated they are citizens of Mexico with no legal documents to enter the United States. Material Witnesses stated they made the smuggling arrangements with an unknown male. MW1 stated she was to pay an unknown amount and MW2 stated she was to pay \$2,000 USD as a smuggling fee. Material Witnesses stated they intended to travel to California to seek employment.

EXECUTED ON THIS 16th DAY OF November 2007 AT 1400 hours.

Carla Saco #0173

Carla Saco / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on **November 16, 2007** in violation of Title 8, United States Code, Section 1324.

Joe M. Delk

MAGISTRATE JUDGE

11/17/07 @ 4:48 p.m.
DATE/ TIME